

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

ROBERT A. SCHAUB,

Plaintiff,

vs.

LACEY CYNTHIANN COX,

Defendant.

CV 14-79-GF-BMM

**ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS OF UNITED
STATES MAGISTRATE JUDGE**

Plaintiff Robert Schaub filed a proposed Complaint on October 30, 2014. (Doc. 2). Schaub proceeds in forma pauperis and seeks to enforce a Hill County Justice Court judgment against Defendant Cox.

United States Magistrate Judge Keith Strong entered Findings and Recommendations in this matter on November 4, 2014. (Doc. 4). Judge Strong reviewed Schaub's Complaint pursuant to 28 U.S.C. § 1915(e)(2) and recommended that this Court dismiss Schaub's Complaint for lack of jurisdiction.

Schaub filed no objections to Judge Strong's Findings and Recommendations. When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Thomas v. Arn*, 474 U.S. 140, 149-52 (1986). This Court will review Judge Strong's Findings and

Recommendations, however, for clear error. *McDonnell Douglas Corp. v.*

Commodore Bus. Mach. Inc., 656 F.2d 1309, 1313 (9th Cir.1981).

This Court finds no clear error in Judge Strong's Findings and Recommendations and adopts them in full. Schaub seeks to enforce a Hill County Justice Court judgment against Cox through his Complaint. (Doc. 2). This Court lacks jurisdiction under 28 U.S.C. § 1331 since Schaub failed to allege a violation of a federal right. This Court likewise lacks jurisdiction under 28 U.S.C. § 1332 since there is no diversity of citizenship and the amount in controversy is less than \$75,000. Schaub could not amend his complaint to cure this defect.

IT IS HEREBY ORDERED:

1. Plaintiff's Complaint (Doc. 2) is DISMISSED with prejudice.
2. The Clerk of Court shall have the docket reflect that the Court certifies pursuant to Federal Rule of Appellate Procedure 24(a)(3)(A) that any appeal of this decision would not be taken in good faith.
3. The Clerk is directed to enter judgment accordingly.

DATED this 8th day of December, 2014.



Brian Morris
United States District Court Judge